

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARCUS WRIGHT and  
VALENCIA WRIGHT  
On behalf of a minor child  
CHRISDION WRIGHT,

Plaintiffs,

vs.

NO. 12-CV-00305 BB/CG

BOARD OF EDUCATION FOR THE LAS CRUCES  
PUBLIC SCHOOLS, WHITE SANDS MISSILE RANGE  
ELEMENTARY SCHOOL, TODD GREGORY, in personal  
And official capacity, ANDREA FLETCHER, in personal and  
official capacity, KATY VIGIL, in personal and official  
capacity, SHERRY GANUELAS, in personal and official  
capacity, DR. CONNIE PHILLIPS, in personal and official  
capacity, and DEFENDANTS DOES in personal and official capacity,

Defendants.

**ORDER GRANTING MOTION TO STAY DISCOVERY**

**THIS MATTER** comes before the Court on *Defendants' Motion to Stay Discovery Pending a Decision on Qualified Immunity and Memorandum in Support Thereof*, (Doc. 16), *Plaintiffs' Reply to Defendants . . . Motion to Dismiss Plaintiffs' Amended Complaint and for Qualified Immunity and Memorandum in Support*, (Doc. 19), and *Defendants' Reply in Support of their Motion to Stay Discovery Pending a Decision of Qualified Immunity*, (Doc. 22). Defendants filed a *Notice of Completion* on the motion to stay on June 5, 2012. (Doc. 23). The Court, having considered the parties' filings, the relevant law, and otherwise being fully advised in the premises, **FINDS** the motion to be well-taken and will be **GRANTED**.

Plaintiffs filed their amended complaint in April of 2012, alleging violations of state tort law and their federal civil rights in connection with racially motivated bullying at a Las

Cruces public school. (See, *generally*, Doc. 13). Defendants filed a motion to dismiss asserting, *inter alia*, that the individually named Defendants are entitled to qualified immunity. (Doc. 15 at 1, 13-16). Defendants also filed the instant *Motion to Stay Discovery*, arguing that they are entitled to a stay of discovery until the issue of qualified immunity has been addressed by the District Court. (Doc. 16 at 1-2). Plaintiffs filed a “reply” which is in no way responsive to Defendants’ request for a stay and which asserts generally that the individual Defendants are not entitled to qualified immunity. (Doc. 19 at 1).

As noted by Defendants, “A successful claim of qualified immunity allows a public official to avoid the burdens of discovery and litigation, as well as liability.” *Gallegos v. City and County of Denver*, 984 F.2d 358, 361 (10th Cir.1993). Therefore, whenever a public official asserts qualified immunity as a defense, the court should generally stay all discovery until the qualified immunity claim has been resolved. *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992).

**IT IS THEREFORE ORDERED** that *Defendants’ Motion to Stay Discovery Pending a Decision on Qualified Immunity and Memorandum in Support Thereof*, (Doc. 16), be **GRANTED**. All discovery shall be stayed until Defendants’ motion to dismiss has been adjudicated.

A handwritten signature in black ink, appearing to read "Carmen E. Garza", with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE